

## **STATEMENT OF PURPOSE**

### **RS18680**

This bill repeals the existing chapter 29 of title 19 and adopts a new chapter setting forth standards for bail in criminal cases. Idaho's current bail statutes, with limited amendments, date back to 1864, long before the development of the commercial bail industry. As the Idaho Supreme Court noted in a recent case, the current statutes "do not address bail bonds because bail bonds did not exist when they were enacted." To remedy this situation, the Supreme Court formed the Bail Bonds Guidelines Committee in 2006, bringing together judges, trial court administrators, prosecutors, defense counsel, sheriffs, and representatives of the bail industry. The Committee has worked over the last two years to draft this bill, which eliminates the archaic provisions of the existing statutes and directly addresses and clarifies procedures for cash bail, property bonds, and commercial bail bonds. The bill includes provisions for the setting and posting of bail, the surrender of defendants, forfeiture of bail, reinstatement of bail, motions to set aside forfeitures, remittance of forfeitures, revocation of bail, and exoneration of bail.

### **FISCAL NOTE**

This bill would have no impact on the general fund.

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